

Reply Exhibit LN-2

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VOLUME 16

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STATE OF MINNESOTA

4

OFFICE OF ADMINISTRATIVE HEARINGS

5

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PUC DOCKET NO: P-421/CI-01-1371

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OA H DOCKET NO: 7-2500-14486-2

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10 In the Matter of a Commission Investigation  
11 into Qwest's Compliance with Section 271(c) (2) (B)  
12 of the Telecommunications Act of 1996; Checklist  
13 Items 1, 2, 4, 5, 6, 11, 13 and 14

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Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, Minnesota

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Met, pursuant to notice, at 9:10 in the  
morning on October 8, 2002.

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23

BEFORE: Judge Richard Luis

24

REPORTER: Angie D. Threlkeld, RPR CRR

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0002

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APPEARANCES:

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JASON TOPP, Attorney at Law, Qwest  
Corporation, 200 South Fifth Street, Room 395,  
Minneapolis, Minnesota 55402, ROBERT CATTANACH and  
SHANNON HEIM, Attorneys at Law, Dorsey & Whitney,  
220 South Sixth Street, Suite 1700, Minneapolis,  
Minnesota 55402, CHUCK STEESE, Attorney at Law,  
6400 South Fiddlers Green Circle, Suite 1710,  
Denver, Colorado 80111, and ANDREW D. CRAIN,  
Attorney at Law, Qwest Corporation, 1801 California  
Street, 49th Floor, Denver, Colorado 80202, appeared  
for and on behalf of Qwest Corporation.

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PRITI PATEL and GINNY ZELLER, Assistant  
Attorneys General, 525 Park Street, Suite 200,  
St. Paul, Minnesota 55103-2106, appeared for and on  
behalf of the Department of Commerce.

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CECILIA RAY, Attorney at Law, Moss &  
Barnett, 90 South Seventh Street, Suite 4800,  
Minneapolis, Minnesota 55402, appeared for and on  
behalf of the CLEC Consortium.

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LESLEY JAMES LEHR, Senior Attorney,  
638 Summit Avenue, St. Paul, Minnesota 55105,

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23 appeared for and on behalf of WorldCom.  
24  
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0003

1 APPEARANCES: (CONT'D.)  
2 REBECCA DECOOK, STEVEN WEIGLER, LETTY  
3 FRIESEN and RICHARD WALTERS, Attorneys at Law,  
4 1875 Lawrence Street, 15th Floor, Denver, Colorado  
5 80202, appeared for and on behalf of AT&T.  
6 K. MEGAN DOBERNECK, Attorney at Law,  
7 7901 Lowry Boulevard, Denver, Colorado 80230,  
8 appeared for and on behalf of Covad Communications.  
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10 COMMISSION STAFF:  
11 Diane Wells and Ray Smith  
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21 WHEREUPON, the following proceedings were  
22 duly had and entered of record, to wit:  
23  
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0077

1 A Correct.  
2 Q All of those underlying categories that are provided  
3 is everything the spectrum that you would need, if  
4 it were accurate and reliable in your words, to make  
5 a decision about whether to provide DSL service;  
6 correct?  
7 A At a minimum.  
8 Q And so the concern --  
9 MR. STEESE: Your Honor, may I have just  
10 one moment, please?  
11 JUDGE LUIS: Yes.  
12 MR. STEESE: I apologize. Just one  
13 moment.  
14 JUDGE LUIS: Off the record.  
15 (Off-the-record discussion.)  
16 JUDGE LUIS: Back on the record.  
17 BY MR. STEESE:  
18 Q Qwest asked specific questions, data requests, I  
19 suppose we call them information requests in  
20 Minnesota, of Covad; true?  
21 A Yes.  
22 Q And one of them had to do with the, quote, criterion  
23 that Covad uses to determine whether a loop  
24 qualifies for its flavor of xDSL, closed quote. Do  
25 you recall that?  
0078  
1 A The data request?

2 Q Or the general --

3 A Yes.

4 Q -- request. And Covad objected, saying that this

5 was akin to requesting the recipe for Coca-Cola. Do

6 you recall that?

7 A Yes.

8 Q Well, have you had an opportunity to review the

9 Covad response to this data request?

10 A And where is that?

11 Q It's not in evidence yet. I'm just asking if you

12 had a chance to look at these responses before they

13 went out?

14 A I -- You know, I've seen so much paperwork in the

15 past couple of months, I'd have to see the packet

16 before I responded.

17 Q Fair enough. Do you agree with the following

18 response from Covad? Quote, It is not Covad's

19 position that Qwest does not provide the categories

20 of information it requires in order to determine

21 whether it can offer xDSL services; rather, as Covad

22 has made clear in its testimony as well as in

23 numerous prior Section 271 proceedings, the issue is

24 whether the information that raw loop data tool does

25 provide -- the issue is whether the information that

0079

1 raw loop data tool does provide is accurate and

2 reliable. It is Covad's position that the raw loop

3 data tool information is neither accurate nor

4 reliable, closed quote. Do you agree with that?

5 A Yes, I do.

6 Q And so the categories of information provide

7 everything that you need; it's just accuracy and

8 reliability that give you concern, you Covad?

9 A Well, and I would say adequacy as well. I mean,

10 we're looking for as much information as we can

11 ahold of to make the best decisions possible in

12 terms of whether or not we can or should provision

13 for our customers.

14 Q Well, you just said that you agreed with the

15 following statement: That Qwest provides all the,

16 quote, categories of information, closed quote, that

17 you need --

18 A Uh-huh.

19 Q -- to make a decision; true?

20 A Uh-huh. Yes.

21 Q So by adequacy you're not talking about more

22 categories of information; true?

23 A True.

24 Q Covad uses two of the tools that Qwest makes

25 available to CLECs on loop qualification

0080

1 information, the raw loop data tool and what I'll

2 call the web-based tool; correct?

3 A Yes.

4 Q Now, as it relates to the raw loop data tool -- Let

5 me ask a foundational question. The raw loop data

6 tool itself is the tool that an employee of Covad

7 can get online and look up information on a realtime  
8 basis; correct?

9 A Yes.

10 Q And so if Chuck Steese calls up Covad and says, I'm  
11 interested in Covad DSL service, you, if you were on  
12 the receiving end of that call, could get on the IMA  
13 system and say, Let me find out what's your address,  
14 what's your telephone number, things of that nature,  
15 and you could pull up the raw loop characteristic  
16 information about my line or lines; correct?

17 A Correct.

18 Q But it's not Covad employees that do that, is it?

19 A I -- Yes, it is -- They are Covad employees who do  
20 that.

21 Q I thought that it was Teletech employees that  
22 actually do that work for Covad.

23 A Well, let me say two things, one of which is I'm not  
24 a lawyer; and, you know, my understanding around the  
25 contractual relationship between Covad and Teletech

0081

1 is something for the lawyers to decide. But they  
2 are acting as Covad employees. And they do not  
3 exclusively -- They are not the ones who exclusively  
4 use IMA and raw loop data tool. That kind of access  
5 to those databases is shared by both, quote, real  
6 Covad employees as well as Teletech employees.

7 MR. STEESE: Another moment, Your Honor.

8 JUDGE LUIS: Yes. Off the record. Let  
9 us know again.

10 (Off-the-record discussion.)

11 JUDGE LUIS: Back on.

12 BY MR. STEESE:

13 Q In response -- Do you recall again questions being  
14 asked of Covad, information requests in this docket?

15 A Yes.

16 Q Do you recall the following question: Please  
17 describe whether Covad requires its sales agents or  
18 any other representatives to use the raw loop data  
19 tool to -- before submitting an order for a shared  
20 loop to Qwest? Do you recall that?

21 A I -- You know, I do not recall every specific data  
22 request that was made.

23 Q Well, let me ask it this way: Would you agree with  
24 the following response? Quote, As an initial matter  
25 Covad sales agents do not have any order placement

0082

1 responsibilities. Those individuals are responsible  
2 for obtaining customers. Covad's order  
3 administration personnel, as well as Teletech  
4 employees acting as independent contractors on  
5 Covad's behalf, are responsible for order placement.  
6 Prior to any order being placed with Qwest, the  
7 end -- I'll just end there. And so it is -- I  
8 suppose I misread this -- Teletech employees and  
9 Covad's order administration personnel that use the  
10 raw loop data tool?

11 A Yes.

12 Q To train these -- Let me ask a different question.  
13 Are these order takers -- Can I call them that --  
14 A Sure.  
15 Q -- order takers? Are these order takers engineers?  
16 A I am not familiar with the educational background of  
17 every single person that works for Covad or  
18 Teletech.  
19 Q Do you require them to be engineers?  
20 A I did not hire any of them, nor am I responsible for  
21 the hiring practices. So I can't say.  
22 Q So you don't know one way or the other?  
23 A I don't know if they are or they aren't.  
24 Q In terms of the training that's provided to the  
25 order takers, whether it be Teletech employees or

0083

1 Covad employees, are you familiar with the training  
2 that goes in in terms of how to use the raw loop  
3 data tool?  
4 A No, I'm not.  
5 Q Are you aware of what kind of monitoring activity  
6 goes on to make sure they're using the raw loop data  
7 tool?  
8 A Not directly, no.  
9 Q Are you aware of any individual -- I suppose this is  
10 Covad only, but maybe it's all order takers -- that  
11 have been fired because they haven't been using the  
12 raw loop data tool when they should have?  
13 A No, I'm not. But, you know, as you said, we have  
14 limited -- we have two tools we can use; the IMA GUI  
15 or the raw loop data tool. And the order takers  
16 have access to both and use both.  
17 Q Well, one is --  
18 JUDGE LUIS: What was that first one, IMA  
19 GUI?  
20 THE WITNESS: IMA, I-M-A. GUI, G-U-I.  
21 MR. STEESE: Graphical user interface.  
22 JUDGE LUIS: Yes.

23 BY MR. STEESE:

24 Q But the IMA GUI is the vehicle by which you use the  
25 raw loop data tool; correct?

0084

1 A Yes.  
2 Q The other is a web-based tool that you can download  
3 wire center by wire center all raw loop --  
4 A Yes.  
5 Q -- information? So an individual order taker  
6 wouldn't be downloading an entire wire center to try  
7 and make assessments, would they?  
8 A I don't know what -- I mean, it does not make  
9 logical sense. But -- No.  
10 Q And so those individuals would be looking at the raw  
11 loop data tool on the IMA system and pulling an  
12 order at a time based on calls coming into that;  
13 true?  
14 A Yes.  
15 Q To the ex -- Strike that. You say you're not  
16 familiar with the underlying training that the Covad

17 order takers go through before they're entitled to  
18 use the raw loop data tool; correct?  
19 A Yes.  
20 Q May it be something as simple as providing the  
21 technical documentation that we, Qwest, provide to  
22 Covad to them?  
23 A I'm not going to make any assumption -- any  
24 assumptions as to what might take place.  
25 MR. STEESE: One more moment, Your Honor.  
0085  
1 JUDGE LUIS: Certainly.  
2 MR. STEESE: And I apologize. I have  
3 many, many data request responses here. It takes me  
4 a moment to pull them.  
5 JUDGE LUIS: That's fine. It's okay.  
6 MR. STEESE: Let's move on.  
7 BY MR. STEESE:  
8 Q Covad uses the raw loop data tool when it's ordering  
9 shared loops; correct?  
10 A Yes.  
11 Q It does not -- make sure I emphasize that -- does  
12 not use the raw loop data tool when it's ordering  
13 unbundled loops, not shared loops, but stand-alone  
14 loops; correct?  
15 A Correct.  
16 Q And the reason is because Covad knows that Qwest  
17 will do everything it can through the 11-step  
18 process to provision a loop, whether or not the loop  
19 currently serving the customer meets the DSL  
20 standards or not; true?  
21 A Well, Covad has its own prequalification tool. And,  
22 yes, there's the understanding that Qwest will go  
23 through the process to provision orders for Covad.  
24 Q When you say you have your own prequalification  
25 tool, is that a tool that you've developed without  
0086  
1 Qwest's data?  
2 A It's developed on past experience. There's -- I  
3 wouldn't call it artificial intelligence, but past  
4 experience with provisioning in the Qwest region.  
5 So there is some intelligence in there.  
6 Q And so --  
7 A Specifically access to Qwest's loop data, no.  
8 Q I want to ask a few questions here. I have no idea  
9 if this is proprietary or not.  
10 MR. STEESE: Can I proceed?  
11 MS. DOBERNECK: Yeah. If something comes  
12 up, I'll let you know, but I don't think so.  
13 JUDGE LUIS: Let me just clarify  
14 something with the witness. Your last answer,  
15 Ms. Cutcher, specific access to Qwest's loop data,  
16 no. That was it?  
17 THE WITNESS: Correct.  
18 JUDGE LUIS: Thank you. Got it.  
19 MR. STEESE: Can you read the last  
20 question and response back to me, please?  
21 (Whereupon, the requested portion was

22 read back by the court reporter.)  
23 MR. STEESE: Your Honor, if I may be so  
24 bold, you just read something that confused me,  
25 which is why I asked. You said with respect to  
0087  
1 Qwest's data, no. I'm confused.  
2 JUDGE LUIS: Actually that Q and A goes  
3 on after. So there is some intelligence in there.  
4 It goes on, And so, from you. And then she added,  
5 Specifically access to Qwest's loop data, no.  
6 MR. STEESE: Thank you.  
7 BY MR. STEESE:  
8 Q And this tool that you have developed is not based  
9 on raw loop information then; it's just based on  
10 practical experience as to where DSL services are  
11 supportable?  
12 MS. DOBERNECK: I'm going to object to  
13 the extent some specificity is required between  
14 unbundled loops and line shared loops. So.  
15 MR. STEESE: We're talking about pure  
16 unbundled loops at this point.  
17 MS. DOBERNECK: Okay. Thank you.  
18 BY MR. STEESE:  
19 Q Would you like me to restate the question?  
20 A Go.  
21 Q As it relates to stand-alone unbundled loops, this  
22 Covad-created tool is not based on raw loop makeup  
23 information then; it is based on practical  
24 experience as to where Qwest can provision DSL  
25 services for Covad customers?  
0088  
1 A Yes, it's based on -- that's the practical  
2 historical experience as well as a LERG database,  
3 L-E-R-G, which is -- I believe it comes from  
4 Telcordia. So it's standardized telco information.  
5 Q But the underlying loop characteristics line by  
6 line, is it copper, is it digital loop carrier,  
7 things like that are not contained within this tool?  
8 A No.  
9 Q I think we talked over each other. Just wait till I  
10 finish the question to make sure the court reporter  
11 gets it. You said no?  
12 A Yes.  
13 Q You said no. And, again, and so there seems to be  
14 two reasons why you do not use the raw loop data  
15 tool for stand-alone loops; and that is, one, you've  
16 developed some parallel tool/process to help you  
17 make decisions about whether and where to order  
18 loops; correct?  
19 A Yes.  
20 Q And the second is because you know Qwest has  
21 employed an 11-step process to try and make loops  
22 available wherever they can and whenever they can;  
23 true?  
24 A Yes. And I would add a third. That Covad is not  
25 required to perform a prequal.  
0089

1 Q Fair enough. And so the only time that Covad uses  
2 the raw loop data tool has to do with shared loops?  
3 A Correct.  
4 Q And so the only time you need to make a decision  
5 about whether to provide service and you look at the  
6 loop qualification information, whether it's the  
7 web-based tool or the raw loop data tool, relates  
8 only to shared loops?  
9 A I would just like to say that the definition of only  
10 has a significant impact on Covad. And I don't know  
11 if this is trade secret stuff or not, but --  
12 Q Let's bracket it just to be careful.  
13 A Okay. The [ ..... ] of Covad's business  
14 currently is in line shared orders. So it's not  
15 just only; it's significant in our experience,  
16 hopes, and dreams.  
17 Q Are you finished answering?  
18 A Yes.  
19 Q And only, I'm not meaning quantitative, the number  
20 of orders you're submitting; I'm saying the only  
21 product is shared loops?  
22 A Correct.  
23 Q So purported accuracy problems and reliability  
24 problems in the raw loop data tool do not affect  
25 Covad's ability to order stand-alone unbundled  
0090 loops?  
1 A Correct. Which --  
2 JUDGE LUIS: Are we at the point where we  
3 can close the bracket?  
4 MR. STEESE: Oh, yes, sir. I'm sorry.  
5 JUDGE LUIS: I would assume so. All  
6 right. So ordered. Sorry to interrupt you.  
7 MR. STEESE: And did she answer that  
8 question? I'm sorry.  
9 (Whereupon, the answer was read back by  
10 the court reporter.)  
11 JUDGE LUIS: That's when I interrupted  
12 her.  
13 THE WITNESS: I was going to say which  
14 are the [ ..... ] of our orders.  
15 BY MR. STEESE:  
16 Q The shared loops are the [ ..... ]?  
17 MS. DOBERNECK: And from her repeat and  
18 Mr. Steese's would be bracketed.  
19 JUDGE LUIS: All right. Once again, and  
20 now we're back to closed bracket.  
21 BY MR. STEESE:  
22 Q Let's talk then about the accuracy and reliability  
23 of the raw loop data tool. One of the claims in  
24 your testimony -- and I can pull it up if you wish;  
25  
0091 I don't have the exact cite -- is that it does not  
1 contain numbers that are nonpublished; correct?  
2 A Correct.  
3 Q And that was based on a citation to testimony from a  
4 Ms. Jean Liston in the Colorado workshop dating back  
5



6 to May of 2001. Do you recall that?  
7 A Yes.  
8 Q Are you aware that Qwest has updated the raw loop  
9 data tool to include nonpublished numbers as of  
10 August 2001?  
11 A Yes.  
12 Q And so that specific concern as it relates to  
13 accuracy has been eliminated as of August 2001;  
14 true?  
15 A That specific concern.  
16 Q You said earlier that you are not a technician, and  
17 I just want -- I'm not asking this in a pejorative  
18 sense; I'm just asking it to get an idea of your  
19 background, I suppose. Do you ever in your job pull  
20 up information or have someone pull it up for you  
21 from the raw loop data tool and look at it and make  
22 an assessment about it?  
23 A I do not use the raw loop data tool as part of my  
24 everyday functions.  
25 Q If I were to hand you a set of printouts from the  
0092  
1 raw loop data tool, do you have the technical  
2 capability to actually read them and decide whether  
3 or not a loop is qualified for DSL service?  
4 A I have the ability to understand the specific  
5 fields, if you will. Could I sit down and provision  
6 a loop? No.  
7 Q And so when you say provision a loop, to me that  
8 means that you couldn't go out into the field and  
9 run the jumpers.  
10 A That I could probably do. Sit down and design a  
11 loop, no. I mean, I understand -- If you could give  
12 me a minute to take a look at --  
13 Q Please do. Take your time.  
14 A For example, some of the things that are available  
15 in the raw loop data tool are things -- WTN, for  
16 example, I know that means working telephone number.  
17 WC CLLI, I know that's the wire center CLLI code.  
18 So what I'm saying is that I know definitions of the  
19 elements and their importance to Covad in the  
20 provisioning process. So you're -- Going back to  
21 your specific question was?  
22 Q I'm just trying to find out exactly how detailed my  
23 next set of questions should be, and I'm just trying  
24 to get an idea so we don't waste everyone's time.  
25 So there are certain categories of  
0093  
1 information that you recognize from the printouts of  
2 raw loop data tool but not everything contained in  
3 these printouts?  
4 A Give me a printout and I'll tell you if I understand  
5 everything.  
6 MR. STEESE: May I -- I mean, it is --  
7 JUDGE LUIS: Okay. Let's -- Actually  
8 let's take a ten-minute break. It's time for one  
9 anyway. And maybe then you can sort of go over what  
10 you're getting into.

11 (Off-the-record discussion.)  
12 (Whereupon, a recess was held from  
13 2:15 p.m. to 2:35 p.m.)  
14 JUDGE LUIS: We'll resume, go back on the  
15 record with Mr. Steese's continued cross-examination  
16 of Ms. Cutcher.  
17 MR. STEESE: And, Your Honor, before I  
18 begin, so we can all be on the same page, I did  
19 break out Exhibit Number 20, which is a very thick  
20 set of pink sheets.  
21 JUDGE LUIS: Yes.  
22 MR. STEESE: I also pulled out Exhibit  
23 Number 58, which is another thick set of pink  
24 sheets. So we can all track, I thought we might  
25 want to pull those out. And I realize that there  
0094  
1 are some people who cannot get copies because these  
2 are Covad confidential.  
3 And just for the record I believe it's  
4 the customer-specific information that is considered  
5 trade secret, and it is not the underlying loop  
6 makeup, because we could be talking about any loop  
7 anywhere; correct?  
8 MS. DOBERNECK: We basically said as long  
9 as the address is not used that anything else can be  
10 disclosed without going on to the trade secret  
11 version.  
12 MR. STEESE: Fair enough.  
13 MS. DOBERNECK: And the name. Sorry.  
14 The name of the customer and the address.  
15 JUDGE LUIS: Okay. Is there anyone new  
16 on the bridge that didn't identify themselves  
17 earlier?  
18 All right. I guess we're okay then.  
19 MR. STEESE: And, Your Honor, I will  
20 avoid the address and customer names and telephone  
21 numbers. And I might try and give a qualifying word  
22 or two just to make sure we're looking at the same  
23 document. But before we get into the details of  
24 these four inches, I'm going to see if I can do this  
25 in a summary way. And if I can, great. If I can't  
0095  
1 we'll go into some more detail.  
2 BY MR. STEESE:  
3 Q Covad -- Let me ask a question that I didn't recall  
4 earlier. When we were talking about held orders --  
5 Do you recall that discussion earlier?  
6 A Yes.  
7 Q In the state of Minnesota were any of Covad's orders  
8 for loops held and rejected in the state of  
9 Minnesota?  
10 A I don't have that information available to me now.  
11 Q But the held order list, for lack of a better term,  
12 is a document that goes back and forth between Qwest  
13 and Covad on a regular basis in meetings that Covad  
14 has with Qwest; correct?  
15 A I know the last time that I was involved with those

16 meetings, which had to be at least eight or ten  
17 months ago, that we were sharing information back  
18 and forth around held orders and resolution of held  
19 orders.  
20 Q And I realize this is just a snapshot; but as of May  
21 2002 Qwest pulled all of the, quote, held orders,  
22 closed quote, for Covad. And would you be surprised  
23 that none of the underlying pink sheets in Exhibit  
24 Number 20 are from the state of Minnesota?  
25 A I -- I can't say if I would be surprised or not.

0096

1 I --  
2 Q Let me --  
3 A I have no expectations around what it should or  
4 shouldn't be.  
5 Q In the state of Minnesota there was a merger  
6 stipulation that was reached between Qwest and I  
7 believe it was the Department of Commerce. I might  
8 be wrong. Were you aware of that?  
9 A As part of the merger conditions?  
10 Q Correct.  
11 A I'm not specifically aware of that specific  
12 document.  
13 Q So you would not be aware one way or the other as to  
14 whether Qwest agreed through the end of calendar  
15 year 2002 to not reject orders for unbundled network  
16 elements; you wouldn't be aware of that one way or  
17 the other, in Minnesota only?  
18 A That I am aware of, yes.  
19 Q And so putting that in the back of your mind now,  
20 would you not be surprised, given that merger  
21 condition, that none of the held orders that have  
22 been rejected by Qwest, Exhibit 58, are from  
23 Minnesota?

24 MS. DOBERNECK: Your Honor, I'm going to  
25 object to the extent Mr. Steese refers to orders

0097

1 held and rejected because I don't believe we ever  
2 had any evidence that they were rejected, closed,  
3 filled, whatever. I certainly don't disagree with  
4 the characterization of held, but rejected I think  
5 is not supported by the evidence in this record.

6 MR. STEESE: I'll move on.

7 BY MR. STEESE:

8 Q If you are to look at just the first stapled --  
9 excuse me, paper-clipped document there, which says  
10 page 1 of 4 in the upper right-hand column and has a  
11 number 14925 on it; do you see that?

12 A Yes.

13 Q We were talking earlier about whether you had the  
14 capability, for lack of a better term, understanding  
15 sufficiently of raw loop data tool to be able to  
16 look and see and understand these underlying loop  
17 makeup responses.

18 JUDGE LUIS: Okay. This is in Exhibit  
19 20?

20 MR. STEESE: Correct.

21 JUDGE LUIS: Right. Did somebody just  
22 come on or did somebody just hang up?  
23 MS. SACIOTTO: Cara Saciotto came on. Am  
24 I not to be on?  
25 JUDGE LUIS: No, I believe you're fine.  
0098  
1 You can stay. We're in the midst of what could be  
2 confidential or trade secret, but you're fine.  
3 MS. SACIOTTO: Tell me if I need to get  
4 off.  
5 JUDGE LUIS: They will.  
6 BY MR. STEESE:  
7 Q Looking at this query by address, can you tell  
8 whether or not the loop involved in this particular  
9 circumstance could support DSL service?  
10 A You know, very honestly, I am not familiar with this  
11 kind of display of information. I'm more familiar  
12 and comfortable with the information as shown on  
13 Exhibit 58.  
14 Q And so just to make sure I -- We can get to Exhibit  
15 58 in a moment. But in terms of Exhibit Number 20,  
16 so just to make sure, you cannot look at the  
17 underlying details here and determine whether or not  
18 the loop in that first paper-clipped set would or  
19 would not support DSL service? And if the answer is  
20 no, that's fine, we can move to Exhibit Number 58.  
21 I just want to make sure I understand.  
22 A I could make an educated guess, but I don't feel  
23 comfortable doing that.  
24 Q Understanding it's an educated guess, what would it  
25 be based on?  
0099  
1 A It would be based on some of the data as shown in  
2 this document.  
3 Q Which page?  
4 A The combination of all four pages.  
5 Q And so it would be nothing more than an educated  
6 guess?  
7 A Yeah. I -- Right.  
8 Q You understand that the raw loop data tool provides  
9 both -- provides the ability for a CLEC to query the  
10 database based on telephone number and get  
11 information by telephone number; correct?  
12 A Yes.  
13 Q It also provides the capability to provide query by  
14 address; correct?  
15 A Yes.  
16 Q And then, in addition to that, it provides the  
17 capability to provide unassigned facilities by  
18 address; correct?  
19 A Yes.  
20 Q When you look at Exhibit Number 58, is it your  
21 understanding, just based on a brief perusal of the  
22 document, that that is the facilities available by  
23 address? If I said 58, I meant 20. I apologize.  
24 A State the question again.  
25 Q Sure. Looking at Exhibit Number 20, is it your

0100

1 understanding that this information is loop makeup  
2 by address?

3 A Yes.

4 Q And are you familiar enough with looking at the  
5 individual documents -- I know you said you're not  
6 familiar with this format, but looking at this are  
7 you familiar enough to say that this is the kind of  
8 information you get when you query by address?

9 A Yes.

10 Q Looking at Exhibit Number 58 -- changing documents  
11 for a moment -- are you familiar with this  
12 information sufficiently that this is the kind of  
13 information that you get when you query the database  
14 by unassigned facilities for address?

15 A Yes.

16 Q Does Covad use the unassigned facility tool when  
17 it's looking to see whether a customer can be served  
18 through shared loop or line sharing?

19 A Yes.

20 Q So let me ask it differently. When you train your  
21 order takers, I know that you said you aren't  
22 familiar with the underlying specifics of the  
23 training, but are you sufficiently knowledgeable  
24 about the training to know that they're told to look  
25 by address and unassigned by address queries?

0101

1 A They should.

2 Q The question isn't whether they should. The  
3 question is are they trained to do that?

4 A Again, I'm not familiar with the specifics of what  
5 is covered in the training. I haven't sat through  
6 the training. I haven't seen the training  
7 documentation.

8 Q When you say they should, what was that based on?

9 A Is if an order administrator is going to make a  
10 decision on whether or not a loop can be  
11 provisioned, they should have access to that kind of  
12 information.

13 Q So it is intuitively logical to you that they should  
14 do that, but you're not sure whether they do or not;  
15 is that what you're saying?

16 A Yes. I don't stand over every single order taker to  
17 watch them whether or not they do or don't.

18 Q I'm not -- No one can do that. I realize that. But  
19 the question is: Are you sufficiently familiar with  
20 the process utilized by Covad to know that, whether  
21 or not they're trained to do it or not, they are  
22 supposed to look at both query by address and query  
23 by unassigned address?

24 A Yes.

25 Q Unassigned by address. I said that backwards. When

0102

1 you look then at -- Strike that. Qwest provided a  
2 copy of Exhibit Number 20 and a copy of Exhibit  
3 Number 58 to Covad during the course of this hearing  
4 a couple weeks ago, three weeks ago. I'm not

5 exactly sure when. Has anyone at Covad studied  
6 those documents --  
7 A I --  
8 Q -- to determine --  
9 A I can speak to whether or not -- You know, I've  
10 seen -- How many weeks ago did you say?  
11 Q Two or three.  
12 A Two or three weeks ago. When were we here last? Or  
13 when was I here last?  
14 Q Two I believe.  
15 MS. DOBERNECK: September 13th.  
16 THE WITNESS: If a request has been  
17 fulfilled between the time I was here and now, I  
18 can't speak to whether anyone from Covad has  
19 actually looked at these documents.  
20 BY MR. STEESE:  
21 Q Can you say that one more time, please?  
22 A If the request was made and filled between  
23 September, whenever it was that I was here, 9th or  
24 10th or something like that, and now, I can't speak  
25 to that. I'm not aware that anyone from Covad has

0103

1 had the opportunity to look at this.  
2 Q Let me ask it a different way, because all of this  
3 information was provided before you were here. That  
4 I do know. When you look at Exhibit Number 20,  
5 Qwest has made the representation that this is the  
6 held order -- held orders for Covad, each of which  
7 would show that had you used the tool -- and, again,  
8 this is for unbundled loops -- had you used the  
9 tool, you would have seen that you could not get DSL  
10 service to the individual customers involved. Has  
11 anyone at Covad studied these documents to see  
12 whether or not Qwest's statements in that regard  
13 were correct or not?  
14 A I don't know.  
15 Q Looking at Exhibit Number 58, are you aware that  
16 Exhibit Number 58 is the unassigned loop by address  
17 query documents that correlate to the actual address  
18 information to Exhibit Number 20? Were you familiar  
19 enough with the documents to know that?  
20 A No.  
21 Q Why don't we do this then: If you look just at the  
22 top document of Exhibit Number 58, if you look at  
23 the address -- and I'm going to do it that way -- if  
24 you look at the address at the -- on the top page of  
25 Exhibit 58, that again begins with the number 14925.

0104

1 Do you see that?  
2 A Oh, yes.  
3 Q And then you look at the top document on Exhibit  
4 Number 20 where you see again the address 14925 and  
5 then a bunch of other stuff. Do you see that?  
6 A Yes.  
7 Q Does it appear that there is a correlation between  
8 those two addresses?  
9 A Yes.

10 Q And does it appear that on Exhibit 58 there are no  
11 spare loops found at that address?  
12 MS. DOBERNECK: Objection. The witness  
13 has already testified she's -- she can't -- she  
14 would only be able to guess at what these show as  
15 well as a general lack of familiarity with the  
16 documentation. So I don't believe there's  
17 foundation for that questioning.  
18 JUDGE LUIS: In this case it's overruled.  
19 It speaks for itself essentially.  
20 MR. STEESE: I'm just trying to lay a  
21 tiny bit of foundation for some other questions.  
22 And I thought that Ms. Cutcher said she was more  
23 familiar and comfortable with the format of the  
24 documents in Exhibit Number 58.  
25 BY MR. STEESE:  
0105  
1 Q Am I correct?  
2 A Yes.  
3 Q And so in this particular circumstance you can see  
4 that Qwest in Exhibit 20 pulled information by  
5 address and then in Exhibit Number 58 pulled  
6 information to see if there was spare loops in that  
7 address; correct?  
8 A Yes.  
9 Q Why don't you turn down two documents in Exhibit  
10 Number 58 and again two more documents in Exhibit  
11 Number 20. And here I'm going -- Do you see the  
12 connection between Suite B216?  
13 A Yes.  
14 Q And here you see on Exhibit Number 58 that there  
15 were seven spare loops found at that address;  
16 correct?  
17 A That's what the document says.  
18 Q Can you look at the spare segment information of  
19 Exhibit Number 58 and can you tell whether or not  
20 those spare facilities would be capable of  
21 supporting DSL service for Covad?  
22 A Well, there's one thing I'd like to say first before  
23 I delve into this. And I don't see offhand any time  
24 correlation between these two; was one of them  
25 pulled on, you know, Monday, another one pulled a  
0106  
1 week or two later to show what may be spare one day  
2 is not spare the other. And that's one of the  
3 concerns that I have in terms of correlating the  
4 two.  
5 Q I will put on the record a fundamental point, and  
6 that is -- I'll ask it this way: Covad does not use  
7 the raw loop data tool to -- in the provision of  
8 stand-alone unbundled loops; correct?  
9 A Correct.  
10 Q And to the extent that Exhibits Number 20 and 58  
11 relate to orders made for stand-alone unbundled  
12 loops, Covad would not have even used the tool;  
13 true?  
14 A Correct.

15 Q And so the point -- Qwest is not attempting to say  
16 that Covad submitted an order using the raw loop  
17 data tool that it should not. We're not attempting  
18 to do that. I'm just asking you whether you can  
19 look at Exhibit Number 58 and see whether or not in  
20 those spare facilities -- and I'm not going to do  
21 this for everything, I promise; I'm just trying to  
22 get a couple of examples -- whether or not that  
23 one -- in that one circumstance where you're looking  
24 at Suite B216, whether that has facilities that  
25 would support DSL line?

0107

1 MS. DOBERNECK: Objection. Asked and  
2 answered.

3 JUDGE LUIS: Overruled.

4 THE WITNESS: As I stated earlier, I'm  
5 not -- I'm not a provisioner. I don't provision  
6 orders. And the best I can do is make assumptions  
7 based on the data as I see it. And there are  
8 critical criteria that Covad uses in terms of  
9 provisioning unbundled loops, one of which, for  
10 example, would be pure copper loop with no fiber.  
11 The distance obviously is something we talked about  
12 earlier. Presence or no presence of pair gain. And  
13 this data does include some of that information; but  
14 I could not state definitely whether or not this  
15 information would enable me to say, Yep, I could  
16 provision a loop on that, because I'm not a  
17 provisioning expert.

18 BY MR. STEESE:

19 Q I understand. And so if I understood you correctly,  
20 based on the experience you have and the knowledge  
21 you have, you would look at the spare facilities  
22 going to the address at Suite B216 in Exhibit Number  
23 58 and you would look at those facilities and say  
24 you could not provide DSL over those facilities;  
25 correct?

0108

1 A No, I did not say that.

2 Q Oh, I'm sorry. What did you say, that you could or  
3 could not?

4 A I could make an educated guess, but I wouldn't --

5 Q I thought you had in the midst of your answer. I  
6 apologize. So it would be an educated guess; you're  
7 not sure one way or the other?

8 A An educated -- An educated guess is an educated  
9 guess.

10 Q What is your educated guess?

11 A I -- You know, I'm not willing to make -- make that  
12 at this point in time. Like I said, I'm not a  
13 provisioning expert.

14 Q Are your order takers provisioning experts?

15 A Yes. Well, you defined order takers a little  
16 earlier. Not the people who take the orders from  
17 the customers, but the people who are in what we  
18 call the order administration organization --

19 Q I don't understand --



20 A -- it's their job to provision orders.  
21 Q I don't understand the distinction. Help me  
22 understand the difference between order takers and  
23 the people that are responsible for provisioning  
24 orders.  
25 A The order taker would be someone who takes a call  
0109  
1 from our customer saying, I would like to place an  
2 order with Covad. The next step in the process is  
3 then to go to the order administration organization,  
4 who would then begin the provisioning process.  
5 Q And so do the order takers, are they required to  
6 consult the people in the provisioning center before  
7 taking an order for DSL service one way or the  
8 other?  
9 A We use on -- On UNE loops, separate loops, we use  
10 the Covad internal prequalification tool.  
11 Q Let me ask it differently: When they are  
12 actually -- the order takers are actually using raw  
13 loop data tool for shared loops, are they required  
14 to discuss each individual order and whether or not  
15 that facility could support DSL with the  
16 provisioning expert before they take the order?  
17 A Are we talking about line shared loops or separate  
18 loops?  
19 Q Line shared loops.  
20 A Can you repeat the question?  
21 Q Sure. And, again, it's just -- I transitioned very  
22 briefly albeit over to shared loops. When an order  
23 taker takes an order for a shared loop, are they  
24 required to consult the provisioning center at Covad  
25 before deciding whether or not to take the order?  
0110  
1 A It's my understanding that they do not. Again, we  
2 have a Covad prequalification tool that they would  
3 have access to.  
4 Q For shared loops?  
5 A For shared loops.  
6 Q Well, let's talk about that. The -- Say that one  
7 more time. What did you title it? The shared --  
8 A I don't know.  
9 Q The tool you just talked about?  
10 A It's a Covad prequal tool.  
11 Q So as it relates to stand-alone loops, there is a  
12 tool, for lack of a better term, that you make  
13 available that uses information but not raw loop  
14 data; correct?  
15 A Correct.  
16 Q But now you're moving to shared loops. And for  
17 shared loops you say you have a prequal tool. Is  
18 that fed by the underlying raw loop data?  
19 A I don't remember.  
20 Q And so the reason why the order takers would not  
21 need to consult the provisioning experts is because  
22 Covad does have a prequal tool that it has employed  
23 itself to discern whether or not a loop can support  
24 line sharing?

25 A Our prequal tool gives an indication of I think it's  
0111

1 red, orange -- red -- red, green, orange, from low  
2 to high probability of being able to be provisioned  
3 based on past experience and other data.

4 Q You said that really quickly. Can you say that  
5 again? Red, orange, and then you -- Why don't --  
6 A Green.

7 MR. STEESE: Why don't you please read  
8 the question, Madam Court Reporter. Reread the  
9 response, excuse me.

10 (Whereupon, the requested portion was  
11 read back by the court reporter.)

12 BY MR. STEESE:

13 Q And if it's red, you can't order or you can?

14 A That's a decision that Covad makes to not place an  
15 order.

16 Q What if it's orange?

17 A An orange is a questionable probability, and green  
18 is a high probability.

19 Q And so if it's a questionable probability, does  
20 Covad submit the order?

21 A You know, I honestly don't know at this point in  
22 time.

23 Q Do the order takers only have the color code there  
24 or do they have some other information about whether  
25 to take the order?

0112

1 A I honestly don't know.

2 Q To the extent that there were -- Strike that. Do  
3 you have any evidence or knowledge on your own as to  
4 Exhibits Number 58 and 20 as to whether any of the  
5 loops identified in any of those exhibits could have  
6 supported DSL service whether in a line sharing  
7 environment or a stand-alone loop environment?

8 A No, I don't.

9 Q If you look at your rebuttal testimony at page 5,  
10 here I'd really like you to pull out that testimony.  
11 And this is again Exhibit 182. Are you there,  
12 Ms. Cutcher?

13 A Yes, I am.

14 Q Just one moment. The evidence that Covad put on the  
15 record about the information in its possession that  
16 shows the raw loop data tool has inaccuracies is  
17 found on page 5; correct?

18 A Yes.

19 Q And here you -- To summarize, if I could -- tell me  
20 if this is correct -- you said that there were a  
21 certain set of shared loops that were held for a  
22 time period because they needed to be conditioned;  
23 and upon requering the raw loop data tool, it was  
24 determined that 44 percent did not have bridge tap  
25 and load coil; correct?

0113

1 A The raw loop data tool indicated that 44 percent did  
2 not have bridge tap or load coils on them.

3 Q And in that circumstance you made the assumption

4       that the tool was incorrect because a loop that  
5       needs to be conditioned should have one of those  
6       two, bridge tap or load coil, there; correct?  
7   A    A loop that needs to be conditioned, yes, has either  
8       load coils or bridge tap.  
9   Q    Well, here you say on page 5, approximately halfway  
10       down the second paragraph, that you filtered out all  
11       duplicate orders and then, quote, requeried, closed  
12       quote, the raw loop data tool. Do you see that?  
13       Take your time.  
14   A    Yes.  
15   Q    In this particular circumstance the orders that you  
16       were talking about were historic orders, weren't  
17       they, orders from the past?  
18   A    Past as defined by?  
19   Q    Orders that had been provisioned by Qwest before you  
20       went back and, quote, requeried the tool; true?  
21   A    Yes.  
22   Q    And so in this circumstance if, in fact, these  
23       orders had already been provisioned in the past and  
24       those loops had already been conditioned and the  
25       load coils removed, then this would show an accurate  
0114  
1       state of those current loops, wouldn't it?  
2   A    You're going to have to restate that more slowly.  
3   Q    Sure. I'll ask it in smaller questions. The  
4       expectation of Covad as it relates to the raw loop  
5       data tool is that once changes in the loop network  
6       are made, the raw loop data tool should reflect  
7       those changes; correct?  
8   A    Correct.  
9   Q    So to the extent that Qwest conditions a loop,  
10       removes load coils, eliminates bridge tap, the tool  
11       should be corrected to reflect that; true?  
12   A    True.  
13   Q    So to the extent that in this particular  
14       circumstance Qwest before you, quote, requeried had  
15       actually updated the tool, it should show exactly  
16       what you found, correct, no load coil, no bridge  
17       tap; correct?  
18   A    Yes. However, the point was at the time that we  
19       attempted to provision the order, submitted the  
20       request for a loop, the data was inaccurate.  
21   Q    But you testified just a moment ago that the orders  
22       had already been provisioned before you requeried  
23       the database. So how do you know that it was  
24       inaccurate at the time?  
25   A    Because the orders went held. If the loops had been  
0115  
1       conditioned, the loop would not have gone held.  
2   Q    But let's make sure that we're on the same page.  
3       When you look at a shared loop, shared loop standard  
4       provisioning interval is three days, correct --  
5   A    Correct.  
6   Q    -- today; correct?  
7   A    Correct.  
8   Q    But to the extent the loop needs to be conditioned,

9 the standard interval is 15 days; correct?  
10 A Correct. We take exception with that, but that's --  
11 Q I understand that --  
12 A -- standard interval.  
13 Q Those are today standard intervals; true?  
14 A Correct.  
15 Q And so to the extent that you submit an order for a  
16 shared loop and it needs conditioning, the order  
17 goes held for a period of time pending the  
18 conditioning; true?  
19 A True.  
20 Q So in these particular circumstances, the specific  
21 orders you're talking about, they went held to be  
22 conditioned; true?  
23 A Can you repeat the question?  
24 MR. STEESE: Can you read it back,  
25 please?

0116

1 (Whereupon, the requested portion was  
2 read back by the court reporter.)  
3 THE WITNESS: True.  
4 BY MR. STEESE:  
5 Q And you requeried the database after the  
6 provisioning was complete to see whether the tool  
7 showed the loops needed to be conditioned; true?  
8 A True.  
9 Q And so to the extent that Qwest during the course of  
10 the provisioning process corrected the loop  
11 information to accurately reflect that it had been  
12 conditioned, that's exactly what Qwest should have  
13 done, isn't it?  
14 A They should have updated the database, yes.  
15 Q And you don't have any evidence in the record as to  
16 the information in the raw loop data tool at the  
17 time these orders were made, do you?  
18 A Say that again.  
19 Q You don't have any evidence in this record as to  
20 what the raw loop data tool would have shown,  
21 whether there's bridge tap or load coil in the line,  
22 for example, at the time that the order for those  
23 shared loops was made, do you?  
24 A It's not in this testimony.  
25 Q And so you don't have any evidence that the

0117

1 information in the tool was inaccurate at the time  
2 you made those requests, do you? Ms. Cutcher, did  
3 you answer? I'm sorry.  
4 A Not yet. I'm --  
5 Q Pondering?  
6 A -- rereading. Pondering.  
7 JUDGE LUIS: All right. Let's go off the  
8 record briefly.  
9 (Off-the-record discussion.)  
10 (Whereupon, Qwest Exhibit 184 was  
11 marked for identification by the  
12 court reporter.)  
13 JUDGE LUIS: All right. We can go back

14 on the record.

15 Are you ready to address the question,  
16 Ms. Cutcher?

17 THE WITNESS: Yes. And bear with me  
18 because I need -- I drew a little picture for  
19 myself, which is what I needed to do to tell the  
20 story to get to the answer. There was a group of  
21 orders that Covad had that went held. Based on our  
22 querying of the raw loop data tool, they went held  
23 because the raw loop data tool indicated that there  
24 was bridge tap or load coil, some sort of  
25 encumbrance on the line. So they went into a

0118

1 jeopardy status; they went held. What Covad did  
2 then was go back in and take a look at those same  
3 orders to basically reconfirm that there was or  
4 there wasn't load coils or bridge tap on the line.  
5 And the requerying indicated that there were not --  
6 there was no bridge tap or load coil on the line.  
7 However, when Qwest went to provision the loops,  
8 there was, in fact, bridge tap or load coil on the  
9 line.

10 So the point that I'm trying to make here  
11 is that there are inaccuracies in the raw loop data  
12 tool which make the provisioning process problematic  
13 for Covad, and that's irregardless or separate -- a  
14 separate issue from whether or not Qwest eventually  
15 goes and updates or corrects these inaccuracies  
16 based on what they find out in the field or through  
17 the engineering process.

18 MR. STEESE: Your Honor, that answer was  
19 completely nonresponsive to the question. The  
20 question was: It's true, isn't it -- and I'm  
21 summarizing -- that there's no evidence on the  
22 record that these loops were inaccurate at the time  
23 the order was made. And nothing having to do with  
24 that answer responded at all to that question.

25 THE WITNESS: Okay.

0119

1 MR. STEESE: And so I move to strike that  
2 response in its totality.

3 MS. DOBERNECK: And, Your Honor, if I  
4 could state something. It looked like Ms. Cutcher  
5 had something else to state; and perhaps, as she  
6 stated at the beginning, she had to tell a story to  
7 get to the answer. And maybe she should be accorded  
8 the opportunity to actually complete her answer  
9 before you rule upon Mr. Steese's objection.

10 I would further note that I disagree with  
11 the objection. But I think I would like Ms. Cutcher  
12 to have the opportunity if she has anything else to  
13 add at this point.

14 JUDGE LUIS: Well, was that all in  
15 building up to answering the question that he had?

16 THE WITNESS: The point -- The point I  
17 was getting to was Mr. Steese's concern is at the  
18 time the order was made. And at the time the order

19 was made Covad goes with the best information it  
20 has, which it -- you know, this specific example was  
21 inaccurate.

22 JUDGE LUIS: All right. Hang on here.  
23 Let me -- Yes, if you could read back the original  
24 question.

25 (Whereupon, the requested portion was  
0120 read back by the court reporter.)

1 JUDGE LUIS: Would your answer be any  
2 different? What is your answer to that direct  
3 question?  
4

5 THE WITNESS: At the time we have to  
6 trust the tool. So at the time we place the order  
7 we take the information at face value because that's  
8 what we have. So the answer would be that I have no  
9 reason to believe that the information given to us  
10 was incorrect.

11 JUDGE LUIS: All right. As to  
12 Mr. Steese's request to drop the long answer, I'm  
13 going to let it stand on the record, and both  
14 answers can stand. This whole line of Q and A can  
15 continue to stand on the record.

16 BY MR. STEESE:

17 Q Okay. Ms. Cutcher, Covad didn't print out the  
18 screen prints from the raw loop data tool at the  
19 time it submitted these orders, did it?

20 A It's not a common practice for us to do that.

21 Q And so you don't have any documentary evidence one  
22 way or the other as to what was contained within the  
23 raw loop data tool at the time you submitted those  
24 orders, do you?

25 A No.

0121

1 Q When you look at shared loops, shared loops -- and  
2 by that I mean you're providing DSL service. DSL is  
3 not supportable with any load coils at all, is it?

4 A No.

5 Q But it will allow for some limited bridge tap; true?

6 A True.

7 Q And when you look at bridge tap -- and forgive my,  
8 I'm sure, nontechnical summary -- if you take the  
9 length of the bridge tap and add it to the loop  
10 length, so long as the total length is less than  
11 whatever your number is, 18,000 feet or so, you can  
12 provide DSL over that loop; correct?

13 A Bridge tap is not the only -- As long as -- All  
14 things -- All things being equal, if we're just  
15 talking about bridge tap?

16 Q Correct.

17 A Correct.

18 Q And so if you look at your testimony on page 5 of  
19 Exhibit 182, in that particular circumstance you  
20 said 44 percent of the time the information was  
21 incorrect because it did not show the presence of  
22 either bridge tap or load coil; correct?

23 A It says bridge tap or load coil.

24 Q That's what I said, bridge tap or load coil;  
25 correct?

0122

1 A Correct.

2 Q Why don't you turn to that next exhibit?

3 MR. STEESE: And, Your Honor, I  
4 apologize, I don't know which exhibit number we're  
5 on at this point since I wasn't here for  
6 Ms. Simpson.

7 JUDGE LUIS: 184 I think.

8 MR. STEESE: So this would be 184 or 185?

9 COURT REPORTER: 184.

10 JUDGE LUIS: 184.

11 BY MR. STEESE:

12 Q One of the data requests that Qwest propounded or  
13 asked of Covad was for the data that supported that  
14 assertion found on page 5 of Exhibit 182; correct?

15 A I didn't hear the full sentence there.

16 Q One of the data request responses that we asked of  
17 Covad was to provide the underlying data supporting  
18 the testimony on page 5 concerning that 44  
19 percent --

20 A Yes.

21 Q -- true? If you look at the cover page -- actually  
22 the first four pages of Exhibit Number 184, does  
23 that appear to be the Covad response -- responsive  
24 information to us basically saying, Here's the  
25 information we have that shows your data in the tool

0123

1 is inaccurate? Do you recognize that?

2 A I have not seen this information before. So you're  
3 saying this is what Covad provided to Qwest?

4 Q Correct. Isn't that true? The first four pages.

5 A I -- I can't say.

6 Q Did -- When that request came in, did you or someone  
7 on your behalf ask that the response be responded to  
8 or the question be responded to? Is that question  
9 specific enough?

10 A Say that again.

11 Q When Qwest sent a request to Covad saying, Provide  
12 us with your support for the 44 percent found on  
13 page 5 of Exhibit Number 182, did you or someone on  
14 your behalf say, Respond to that question that Qwest  
15 has asked?

16 A I -- I don't know directly. I was not asked that  
17 question; and I can't say that, yes, Covad provided  
18 a response.

19 Q Who would have been responsible for that?

20 A Providing the response?

21 Q Correct.

22 A I would have to look to my attorney to figure out  
23 where that response was directed. It was not  
24 directed to me. Can I go back and ask you about  
25 this one more time? Are you saying that this is

0124

1 something that Covad provided to Qwest or vice  
2 versa?

3 Q Something Covad provided to Qwest.  
4 A Okay.  
5 Q The --  
6 JUDGE LUIS: All right. Let's go off the  
7 record ten minutes. Off the record.  
8 (Whereupon, a recess was held from  
9 3:26 p.m. to 3:47 p.m.)  
10 JUDGE LUIS: All right. Back the record.  
11 Mr. Steese, you may continue.  
12 MR. STEESE: Thank you, Your Honor. Your  
13 Honor, I believe that Covad and Qwest have reached a  
14 stipulation as to the first four pages of Exhibit  
15 184 that is indeed a response from Covad. The  
16 handwriting on the top is Qwest's handwriting  
17 because when we printed on pink paper, the headings  
18 were illegible. And we tried a couple of times to  
19 copy it better, and we couldn't. And so that is our  
20 handwriting, but we represent that that was indeed  
21 within those headings if you were able to discern  
22 it.  
23 JUDGE LUIS: All right. Thank you.  
24 BY MR. STEESE:  
25 Q Ms. Cutcher, what I'd like to do is focus your  
0125  
1 attention on those first four pages of Exhibit 184.  
2 And looking at that second column where it says raw  
3 loop data tool correct, and then underneath it you  
4 see yeses and nos. Do you see that?  
5 A Yes.  
6 Q When you see the raw loop data tool correct, if you  
7 look at the back portion of Exhibit Number 184, you  
8 see that there are two slip blue sheets there? I  
9 have blue dividers. Do you as well?  
10 A One say, Those designated as no?  
11 Q Correct. And then the next one says, Those  
12 designated as yes.  
13 A Yes.  
14 Q Why don't you turn behind that second blue tab where  
15 it says, Those designated as yes, and just look at  
16 the very first document. If you look again the  
17 first four pages, if the raw loop data tool was  
18 correct, then in this particular circumstance this  
19 would suggest that it was one of the 66 percent by  
20 your numbers that actually showed the existence of  
21 bridge tap or load coil; correct?  
22 A Yes.  
23 Q Why don't you look at that first page, and it is PON  
24 number 1646335.  
25 MR. STEESE: I can say that, can't I,  
0126  
1 Ms. Doberneck?  
2 MS. DOBERNECK: Yes.  
3 BY MR. STEESE:  
4 Q Do you see that?  
5 A Yes.  
6 Q Can you see the existence of bridge tap on this  
7 particular document?



8 A Yes.  
9 Q And you see that where?  
10 A In the -- How do we describe that? The box.  
11 Q The top box or bottom?  
12 A The box in the top half of the page.  
13 Q Great.  
14 A The bottom of that box that's entitled Makeup  
15 D-E-S-C.  
16 Q Makeup description?  
17 A Yes.  
18 Q It says 24 BT, meaning bridge tap; correct?  
19 A Correct.  
20 Q And after that it says .015 kilofeet; true?  
21 A True.  
22 Q And so how many feet would .015 kilofeet be? 15  
23 feet?  
24 A Yes.  
25 Q And so here there's just 15 feet of bridge tap;  
0127  
1 true?  
2 A True.  
3 Q Limited bridge tap?  
4 A True.  
5 Q And then if you look at the overall loop length, the  
6 overall loop length is shown in the 2.67 kilofeet,  
7 just before that; correct?  
8 A Correct.  
9 Q And so there you have 2,675 feet of loop. So  
10 relatively short loop; correct?  
11 A Yes.  
12 Q And very limited bridge tap; true?  
13 A True.  
14 Q So in this particular circumstance this line could  
15 support DSL, true, if this is correct information?  
16 A True.  
17 Q And so here again -- And you're welcome, if you  
18 wish, to go through each and every document after  
19 the yes, but I'm going to ask you to make an  
20 assumption that each and every one of these show  
21 limited bridge tap over which DSL could be provided.  
22 I'm just going to ask you to make that assumption,  
23 for right or for wrong. Okay?  
24 A Okay.  
25 Q If that is the case, then you have already seen that  
0128  
1 in each instance that was a no. The nos are  
2 indicated by no bridge tap and no load coil;  
3 correct?  
4 A Yes.  
5 Q And so the yes -- And so the yeses, to the extent  
6 that they can support DSL, every single loop in  
7 Exhibit 184 could support DSL service; correct?  
8 A Assuming they're limited type, as you indicated.  
9 Q And so in your testimony, Exhibit 182, page 5, you  
10 have made the assumption because there is some  
11 bridge tap of any size that DSL could not be  
12 provided; correct?

13 A We have no way of knowing without knowing exactly  
14 how large the bridge -- long the bridge tap is.  
15 Q But that's provided in the tool, isn't it?  
16 A Correct.  
17 Q And so when you looked at this information, when you  
18 requeried the database, I read your testimony on  
19 page 5 of Exhibit 182 as simply saying 44 percent of  
20 the time there was no bridge tap and no load coil;  
21 correct?  
22 A Correct.  
23 Q And the other percentage of the time there was  
24 either a load coil or some bridge tap of any length  
25 no matter how small?

0129

1 A True.  
2 Q And so it might be that even though 66 percent can  
3 support DSL; true --  
4 A True.  
5 Q -- as we've just seen in one specific example?  
6 Making that assumption, rather than going through 30  
7 or 40 pieces of paper, this evidence would show that  
8 100 percent of the time Qwest corrected the database  
9 to show the accurate loop makeup information after  
10 the line was conditioned. It would support that  
11 finding, wouldn't it?  
12 A I -- I didn't hear part of your question.  
13 Q I'm building on the last question. So I'm asking  
14 you to assume again that all of these lines that  
15 we've gone through would support DSL. So this  
16 exhibit, Exhibit Number 184, would support -- would  
17 tend to support a finding that Qwest has updated the  
18 raw loop data tool to account for line conditioning  
19 in each and every circumstance, wouldn't it?  
20 A Bridge tap removal specifically.  
21 Q Or load coil removal, wouldn't it?  
22 A You're going to have to repeat it again. I'm sorry.  
23 Q Let me --  
24 A It sounds like a different question.  
25 Q -- ask some foundational questions just to make sure

0130

1 we're on the exact same page. You are making the  
2 assumption that based on the fact that you requeried  
3 the database after the lines were conditioned that  
4 information in the tool is inaccurate; true?  
5 A True.  
6 Q Qwest requeried the database, Exhibit 184, and the  
7 information in Exhibit 184 shows that -- making  
8 again the assumption that it's limited bridge tap  
9 across the board -- that every single one of these  
10 loops would support DSL; true?  
11 A True.  
12 Q And every single one of these loops has been  
13 conditioned and is now in service to support a  
14 Qwest -- or at least was at some period of time to  
15 support a Covad customer; correct?  
16 A True.  
17 Q And so in each and every circumstance this evidence

18 in Exhibit 184 would support a conclusion that Qwest  
19 has updated the raw loop data tool to account for  
20 the fact that those lines have been conditioned,  
21 wouldn't it?

22 A True.

23 Q Moving to Exhibit Number 180. In Ms. Camarota's  
24 testimony she makes reference to a trial that --

25 MR. STEESE: Before I get there, Your

0131

1 Honor -- strike that -- I would like to move the  
2 admission of Exhibit 184.

3 (Whereupon, Qwest Exhibit 184 was  
4 offered.)

5 MS. DOBERNECK: Your Honor, I don't  
6 object to the admission of the first four pages of  
7 Exhibit 184. But I think it's pretty apparent based  
8 on the questions -- Every question Mr. Steese asked  
9 about the remaining -- whatever remaining pages from  
10 5 through the end was, Ms. Cutcher, make the  
11 assumption that it shows limited bridge tap or  
12 whatever. I mean, there's been no foundation laid  
13 that this witness has any knowledge of what these  
14 particular screen shots show, what they reflect,  
15 what they are purported to reflect. And I don't  
16 think it's appropriate, given that lack of  
17 foundation and the witness' ability to answer  
18 questions from pages 5 through the end, to admit  
19 anything beyond the first four pages.

20 JUDGE LUIS: I disagree. 184 is admitted  
21 in its entirety.

22 MS. DOBERNECK: Your Honor, I take  
23 exception to your ruling.

24 JUDGE LUIS: So noted.

25 (Whereupon, Qwest Exhibit 184 was

0132

1 received.)

2 BY MR. STEESE:

3 Q Turning again now to Exhibit Number 180.

4 Ms. Camarota made statements that there was a trial  
5 done between Covad and Verizon wherein there was a  
6 test done to assess preorder mechanized loop tests.  
7 Are you familiar with that particular trial?

8 A Yes.

9 Q Are you aware that Qwest made specific requests of  
10 Covad asking for the evidence in Covad's possession  
11 about this trial?

12 A Yes.

13 Q Are you aware that Covad said it didn't have any  
14 evidence whatsoever about this particular trial in  
15 its possession?

16 A My understanding is that Covad's position is that  
17 the request was -- I don't know the right term is  
18 burdensome, but it was a lot of information asked  
19 of -- that is way outside the normal duties of the  
20 folks participating in the trial.

21 Q Would you disagree with the following response from  
22 Covad? Question: For the trial with Verizon

23 described on pages 9 to 11 of Camarota's testimony,  
24 produce all documentation concerning the trial,  
25 including but not limited to trial results as well

0133

1 as any contract or technical materials describing or  
2 underlying the trial.

3 Answer: Because the test equipment used  
4 during the MLT trial was Verizon equipment on the  
5 Verizon switch, the test results were maintained by  
6 Verizon. Covad is not aware of any contract or  
7 technical materials describing or underlying the  
8 trial with Verizon. Because it was for a trial,  
9 there was no contract. Because MLT test was simple,  
10 straightforward, easy to implement, and regularly  
11 used by Verizon with its own service, there was no  
12 need for technical documentation.

13 Do you agree with that statement by  
14 Covad?

15 A Yes.

16 Q Do you also agree with the following supplemental  
17 request and response? Same question. Covad is  
18 unaware of any other documentation but has requested  
19 again the personnel that might have maintained that  
20 documentation review their files. Covad notes that  
21 Qwest may not preclude it from updating its response  
22 since under the Minnesota Rules of Civil Procedure  
23 Covad is required to supplement its responses as it  
24 becomes aware of additional responsive information.

25 Do you agree with that?

0134

1 A Yes.

2 Q Has Covad provided any supplemental material about  
3 this trial?

4 A None that I'm aware of.

5 Q Have you reviewed the testimony of Qwest as it  
6 relates to this particular issue in this docket?

7 A You would have to tell me specifically what the --

8 Q Are you aware of the testimony that Qwest contacted  
9 Verizon and Verizon was unaware of the existence of  
10 any trial with Covad as it relates to mechanized  
11 loop testing?

12 A I'm not aware of that specific contact that was  
13 made, but I would be interested to find out who  
14 Qwest spoke to at Verizon.

15 Q Does Covad have any documentation in its possession  
16 about this purported trial?

17 A None that I'm aware of.

18 Q And you would disagree with any statements or  
19 representations made that Verizon was unaware of any  
20 such trial?

21 A Yes, I would have to disagree with that.

22 Q Isn't it true that Verizon uses preorder mechanized  
23 loop testing as its manual loop qualification  
24 process?

25 A I know Verizon uses MLT as part of prequalification

